

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

RECEIVED

SHAWN L. BURKS, # 188755
Plaintiff

2007 SEP -4 A 9:21

V.S.

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

CASE NO: 1:07-CV-357-MEP

DAVE SUTTON, SHERIFF, et al.,
Defendants

PLAINTIFF'S OBJECTION
TO THE COURT'S ORDER

Comes now the Plaintiff, Shawn L. Burks proceeding Pro-Se and respectfully Objects to the Magistrate's Judge's Order entered on August 13, 2007 where the Plaintiff requested Discovery information in the above referenced cause.

The Plaintiff filed specific discovery in the Court on August 2, 2007 requesting documents that the Defendant's had made reference to in their Special Report, and they presented no facts, other than them saying that the events happened.

The only argument that the Defendants asserted in their Objection to the Plaintiff requesting the discovery is that the Plaintiff had fail to exhaust administrative remedies, by failing to file a grievance form.

The Plaintiff did in fact submit a grievance form to the Jail Administrator, and the original Grievance was destroyed, and through another Jail worker, the Plaintiff submitted another Grievance, and was seen by a physician the next day or two.

The Plaintiff asserts that the Magistrate erred when it denied the Plaintiff's Discovery request, thereby preventing him the right to fully develop the record, especially so, when the Defendant's has stated that certain events took place, and they offered no proof of the allegations they claimed that took place.

Other Circuits have held "District Court erred in granting Summary Judgment when prisoner denied adequate discovery opportunity" VILLANTE V. DEPARTMENT OF CORRECTIONS AND LONG V. STEEPRO 213 F. 3d 987 (2000) VILLANTE, AT 786 F. 2d 516 (2nd Cir. 1986);

This Pro-Se Plaintiff respectfully request that this Honorable Prer Presiding judge will take Judicial Notice of the record, including the Special Report filed by the Defendants and the Objection Filed by the Defendants and Order the Defendants to produce the Discovery request as stated by the Plaintiff.

RESPECTFULLY SUBMITTED

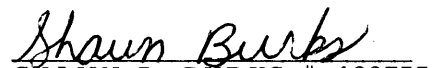


SHAWN L. BURKS

CERTIFICATE OF SERVICE

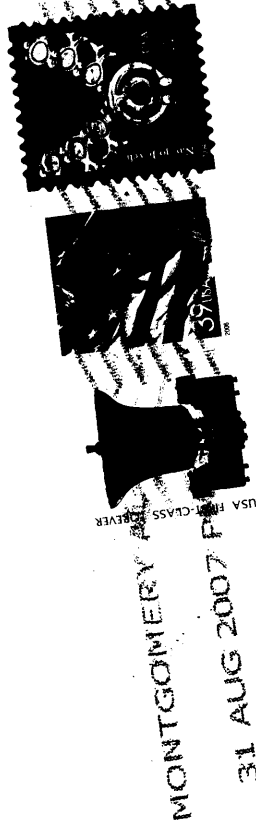
I hereby certify that I have served a copy of the foregoing on counsel for the Defendants by placing same in the United States Mail properly addressed and Postage Pre-Paid done this the 30 day of August, 2007.

WEBB & ELEY P.C.
7475 HALCYON POINT DRIVE
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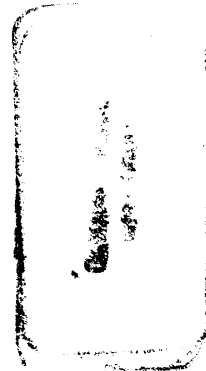


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